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**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

ANASTASIYA KISIL, Mother and  
 Natural Guardian of "JOHN DOE," an  
 Infant, Individually and on Behalf of  
 Others Similarly Situated,

Plaintiff,

v.

ILLUMINATE EDUCATION, INC.,  
 d/b/a PUPIL PATH,

Defendant.

LUCAS CRANOR, Individually and on  
 Behalf of All Others Similarly Situated,

Plaintiff,

Case No. 8:22-cv-01164-JVS-ADSx

**CLASS ACTION**

**PLAINTIFFS' JOINT UNOPPOSED  
 MEMORANDUM OF POINTS  
 AND AUTHORITIES IN SUPPORT  
 OF MOTION TO CONSOLIDATE  
 CASES**

Hearing Date: October 3, 2022  
 Time: 1:30 pm  
 Judge: Hon. James V. Selna  
 Courtroom: 10C

Case No. 8:22-cv-01404-JVS-ADSx

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v.  
ILLUMINATE EDUCATION, INC.,  
Defendant.  
SARAH CHUNG, Individually and on  
Behalf of All Others Similarly Situated,  
Plaintiff,  
v.  
ILLUMINATE EDUCATION, INC.,  
Defendant.

Case No. 8:22-cv-01547-JWH-DFM

## I. INTRODUCTION

Pursuant to Fed. R. Civ. P. 42(a), Plaintiff Lucas Cranor (“Plaintiff Cranor”) in the matter of *Lucas Cranor v. Illuminate Education, Inc.*, Case No. 8:22-cv-1404-JVS-ADS, Plaintiff Anastasiya Kisil (“Plaintiff Kisil”) in the matter of *Anastasiya Kisil v. Illuminate Education, Inc. d/b/a Pupil Path*, Case No. 8:22-cv-1164-JVS-ADS, and Plaintiff Sarah Chung (“Plaintiff Chung”) in the matter of *Sarah Chung v. Illuminate Education, Inc.*, Case No. 8:22-cv-01547-JWH-DFM (together, “Plaintiffs”), move for an order consolidating their cases before this Court.

Each case alleges that Defendant Illuminate Education, Inc. (“Illuminate”) failed to protect Plaintiffs’ and putative class members’ personal information when an unauthorized third party allegedly gained access to databases of school and student information maintained by Illuminate in late December 2021. Proceeding with multiple substantially related cases in this District filed on behalf of overlapping classes would result in a waste of judicial resources and compromise the interests of the proposed classes. For these reasons, and as detailed more fully below, these cases are ripe for consolidation. Therefore, Plaintiffs respectfully request that the Court grant their motion to consolidate the cases.

## II. PROCEDURAL HISTORY

On June 14, 2022, Plaintiff Kisil filed her action in this District, titled *Anastasiya Kisil v. Illuminate Education, Inc. d/b/a Pupil Path*, Case No. 8:22-cv-01164-JVS-ADS (the “Kisil action”). Then, on July 28, 2022, Plaintiff Cranor filed his action in this district, titled *Lucas Cranor v. Illuminate Education, Inc.*, Case No. 8:22-cv-01404-JVS-ADS (the “Cranor action”). On August 1, 2022, the *Cranor* action was ordered related to the *Kisil* action. *See Cranor* action, Dkt. No. 13. Finally, on August 23, 2022, Plaintiff Chung’s action, *Sarah Chung v. Illuminate Education, Inc.*, Case No. 8:22-cv-01547-JWH-DFM (the “Chung action”) was transferred from the Eastern District of New York to this District. Pursuant to L.R. 83-1.3, Plaintiffs believe that the *Chung* action will soon be related to the *Kisil* and *Cranor* actions.

1 Concurrently with this filing, Plaintiff Chung filed a Notice of Related Action in the  
2 *Chung* Action.

### 3 **III. ARGUMENT**

4 Federal Rule of Civil Procedure 42(a) (“Rule 42(a)”) provides that “[i]f actions  
5 before the court involve a common question of law or fact, the court may: (1) join  
6 for hearing or trial any or all matters at issue in the actions; (2) consolidate the  
7 actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R.  
8 Civ. P. 42(a). “The Court ‘has broad discretion under this rule to consolidate  
9 cases.’” *Stevens v. Quiksilver, Inc.*, No. CV1502810JVSJCGX, 2015 WL 13811587,  
10 at \*2 (C.D. Cal. June 26, 2015) (Selna, J.) (quoting *Investors Research Co. v. United*  
11 *States Dist. Court*, 877 F.2d 777, 777 (9th Cir. 1989)). “In determining whether or  
12 not to consolidate cases, the Court should weigh the interest of judicial convenience  
13 against the potential for delay, confusion and prejudice.” *Azpeitia v. Tesoro Refining*  
14 *& Marketing Co. LLC*, 2017 WL 4071368, \*1 (N.D. Cal. Sept. 14, 2017).

15 As an initial matter, all actions have been properly filed or are now transferred  
16 to the United States District Court, Central District of California. The actions involve  
17 nearly identical facts and circumstances, share many of the same causes of action,  
18 would require the same legal analysis, and as such, satisfy the requirement of  
19 consolidation under Rule 42(a). For example, each action arises from Illuminate’s  
20 alleged data breach in late December 2021 (the “Data Breach”). *Compare Kisil*  
21 *Compl.* at ¶¶ 3-4; *Cranor Compl.* at ¶¶ 7-8; *Chung Compl.* at ¶¶ 20-21. Each action  
22 rises from the same nucleus – the Data Breach – and therefore, each action raises  
23 substantially the same questions of fact and law regarding liability and damages.  
24 Furthermore, each action asserts substantially the same claims, including Breach of  
25 Contract (*Kisil Compl.* at ¶¶ 79-94; *Cranor Compl.* at ¶¶ 112-117; *Chung Compl.* at  
26 ¶¶ 58-61), Negligence (*Kisil Compl.* at ¶¶ 58-70; *Cranor Compl.* at ¶¶ 63-75; *Chung*  
27 *Compl.* at ¶¶ 62-73), and various state consumer protection claims (*Kisil Compl.* at  
28 ¶¶ 118-212; *Cranor Compl.* at ¶¶ 118-164; *Chung Compl.* at ¶¶ 52-57).

1 **IV. CONCLUSION**

2 In the interest of judicial economy and for the reasons set forth above,  
3 Plaintiffs respectfully request that the Court consolidate the *Cranor*, *Kisil*, and *Chung*  
4 actions before this Court.

5  
6 Respectfully submitted,

7 **KAPLAN FOX & KILSHEIMER LLP**

8 DATED: September 1, 2022

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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Laurence D. King, attest that concurrence in the filing of this document has been obtained from the other signatory.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 1st day of September, 2022, at Orinda, California.

/s/ Laurence D. King  
Laurence D. King